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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/939,445	08/27/2001	Joshua Dickinson Kraft	JDK003	3645

7590

08/01/2003

J.B. KRAFT
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EXAMINER

FOULADI SEMNANI, FARANAK

ART UNIT

PAPER NUMBER

2672

DATE MAILED: 08/01/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/939,445

Applicant(s)

KRAFT, JOSHUA DICKINSON

Examiner

Faranak Fouladi

Art Unit

2672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 August 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to communications: application, filed on 08/27/01.
2. Claims 1-14 are pending in the case, with claims 1 and 8 being independent.
3. The present title of the application is "Computer controlled interactive touch display pad with transparent full character keyboard overlaying displayed text and graphics" (as originally filed).

Drawings

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: "22", "24", and "32". A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: "54". A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

6. The disclosure is objected to because of the following informalities:

- In line 20 page 9 of specification reference number "55" should be "54".
- In line 32 page 10 of specification reference number "45" should be "75".

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

7. Claims 1-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Cobbley et al. US patent 6,501,464 B1 (hereafter Cobbley).

8. Regarding independent claim 1, "a portable computer controlled user interactive touch responsive read/write display pad comprising: a display screen displaying text and graphics; a transparent touch sensitive pad covering said display screen; means responsive to cursive drawing or characters touch input for displaying such drawing or characters on said display screen; means for displaying a full character keyboard on said display screen; and means responsive to touch inputs to characters on said keyboard for displaying said touch keyboard inputs as text entries within said displayed text and graphics." Cobbley disclose in col. 2 lines 7-27.
9. Regarding dependent claim 2, "the display pad of claim 1 wherein said full character keyboard is superimposed upon and transparent to said displayed text and graphics." Cobbley disclose in col. 2 lines 7-8.
10. Regarding dependent claim 3, "the display pad of claim 2 further including means for selectively rendering either one of said means responsive to cursive drawing or said means responsive to inputs to touch keyboard non-interactive, while the other of said means remains interactive to thereby permit the unimpeded functioning of the means remaining interactive." Cobbley disclose in col. 2 lines 30-37.
11. Regarding dependent claim 4, "the display pad of claim 2 further including means for varying the transparenttness of said superimposed keyboard." Cobbley disclose in col. 2 lines 56-58.

12. Regarding dependent claim 5, " the display pad of claim 3 further including means for varying the transparentness of said superimposed keyboard whereby said keyboard is less transparent when said keyboard is interactive and more transparent when said keyboard is non-interactive." Cobbley disclose in col. 2 lines 60-62 and 64-67.
13. Regarding dependent claim 6, "the display pad of claim 3 further including means responsive to an input to a key in said keyboard for rendering interactive said means responsive to keyboard inputs and for rendering non-interactive said means responsive to cursive drawing." Cobbley disclose in col. 2 lines 27-30.
14. Regarding dependent claim 7, " the display pad of claim 6 further including means for varying the transparentness of said superimposed keyboard whereby said keyboard is less transparent when said keyboard is interactive and more transparent when said keyboard is non-interactive." Cobbley disclose in col. 2 56-67.
15. Claims 8-14 recite method steps performed by the apparatus of claims 1-7; therefore they are similar in scope and rejected under the same rationale.

Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892 form.
17. Any this communication from the examiner should inquiry concerning be directed to **Faranak Fouladi** whose telephone number is **703-305-3223**. The examiner can normally be reached on Mon-Fri from 8:00-4:30.

18. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Michael Razavi** can be reached at **703-305-4713**.

19. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, DC. 20231

Or faxed to: 703-872-9314 (for Technology Center 2600 only)

20. Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, sixth-floor (Receptionist).

21. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is 703-306-0377.

Faranak Fouladi-Semnani
Patent Examiner
Art Unit 2672



MICHAEL RAZAVI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600